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In re Application of :
Harold N. CONKLE, et al. :
Application No.: 09/701,760 :
PCT No.: PCT/US00/04733 :
Int. Filing Date: 25 February 2000 :
Priority Date: 26 February 1999 :
Attorney Docket No.: PC10433A :
For: METHOD FOR THE PURIFICATION, :
RECOVERY, AND SPORULATION OF :
CYSTS AND OOCYSTS :

DECISION ON
PETITION
UNDER 37 CFR 1.181

This is in response to the "RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS..." filed 19 April 2001 and ensuing communications of 11 May and 24 May 2001 in the above-captioned application. Applicants' communications are being treated as a petition under 37 CFR 1.181 requesting acceptance of copies of the declarations of the inventors submitted 11 May 2001 as being submitted originally on 19 April 2001 in the above-captioned application. The petition is **GRANTED** as follows:

No petition fee is required.

The evidence submitted by applicants, which includes a copy of the postcard receipt with a PTO mailroom stamped date of 19 April 2001 itemizing all the papers submitted on filing in the above-captioned application, is sufficient to establish that 10 declarations of the inventors for application serial number 09/701,760 were received in the Office on that date. The postcard receipt clearly shows that 10 separate Declarations with Power of Attorney and a Response to Notice of Missing Requirements for applicants "Harold Conkle et al." bearing docket No. PC10433A and having a title "Method for the Purification, Recovery and Sporulation of Cysts and Oocysts" were submitted on 19 April 2001. Accordingly, acceptance of copies of the declarations filed 11 May 2001 as being submitted originally on 19 April 2001 is appropriate.

A review of the declarations of the inventors filed 11 May 2001 reveals that they are in compliance with 37 CFR 1.497.

Applicants are hereby notified that since a DEMAND for Preliminary Examination was filed on 21 September 2000 prior to the expiration of 19 months from the priority date of 26 February 1999, the \$130.00 surcharge for filing an oath or declaration after 30 months mentioned in the Notice of Missing Requirements is not needed.

Applicants' claim for priority is acknowledged. The application has an international filing date of **25 February 2000** under 35 U.S.C. 363 and a date of **19 April 2001** under 35 U.S.C. 371(c) and 102(e).

The application is being forwarded to the United States Designated/Elected Office for processing in accordance with this decision, that is, for issuance of a Notification of Acceptance of Application under 35 U.S.C. 371(c) and 37 CFR 1.495 (Form PCT/DO/EO/903) and for preparation and mailing of a filing receipt.



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